

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JAN 29 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY SHATKIN, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON
CORPORATION and THE BANK OF NEW
YORK,

Defendants.

No. 07 Civ. 7928 (PAC)

SHIRA MCKINLAY, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK and THE BANK OF
NEW YORK MELLON CORPORATION,

Defendants.

No. 07 Civ. 8765 (PAC)

ORDER

IT IS HEREBY ORDERED that the briefing schedule on defendants' motion to dismiss is amended as follows: Motion By: 02/29/2008, Opposition By: 03/31/2008 and Reply By: 4/14/2008. All discovery stayed pending the outcome of the motion(s).

SO ORDERED JAN 29 2008

Paul A. Crotty

PAUL A. CROTTY
United States District Judge

MAYER • BROWN

Mayer Brown LLP
1675 Broadway
New York, New York 10019-5820

Main Tel (212) 506-2500
Main Fax (212) 262-1910
www.mayerbrown.com

Hector Gonzalez
Direct Tel (212) 506-2114
Direct Fax (212) 849-5814
hgonzalez@mayerbrown.com

January 25, 2007

VIA ELECTRONIC MAIL

The Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Shatkin v. The Bank of New York Mellon Corp. et al.*,
07 Civ. 7928 (PAC)
McKinlay v. The Bank of New York et al.,
07 Civ. 8765 (PAC)

Dear Judge Crotty:

We represent defendants The Bank of New York and The Bank of New York Mellon Corporation (collectively "BNY") in the above-captioned cases. On January 7, 2008, this Court held a pre-motion conference to discuss a Motion to Dismiss that we plan to file. At that conference, we proposed, and this Court ordered, a due date of February 15, 2008 for the filing of that Motion to Dismiss. Due to an unforeseen change to our schedules, we now request a two-week extension of that date. The new proposed schedule would be as follows: February 29, 2008—Motion to Dismiss due; March 31, 2008—plaintiffs' opposition briefs due; April 14, 2008—defendants' reply brief due. We have not made a previous request for an extension. We have discussed this request and proposed schedule with opposing counsel, and have received their consent.

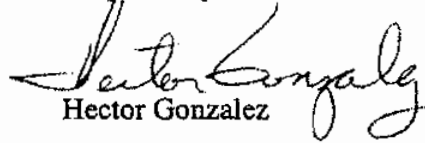
We seek this extension because after the January 7th pre-motion conference, the Second Circuit requested substantial supplemental briefing in a separate matter involving the attorney who is the principle drafter of this Motion to Dismiss. This briefing was unexpected at the time we proposed the February 15th deadline, and has consumed a substantial amount of time in an already crowded schedule. In addition to this new demand on our time, the same attorney was hospitalized and missed several days of work.

We do not believe that there will be any prejudice to any of the parties by this extension, as indicated by the consent of opposing counsel. We appreciate Your Honor's attention to this matter.

Mayer Brown LLP

The Honorable Paul A. Crotty
November 15, 2007
Page 2

Respectfully,



Hector Gonzalez

cc: Christopher Lovell, Lovell Stewart Halebian LLP (via electronic mail)
Lori G. Feldman, Milberg Weiss LLP (via electronic mail)